

## REMARKS

This Request for Reconsideration is submitted in response to the Office Action of February 27, 2006 (hereinafter “the Office Action”). Claims 1-27 remain pending.

All references to the claims, except as noted, will be made with reference to the claim list above beginning on page 2. All references to “the Office Action,” except as noted, will be referencing the most recent Office Action dated February 27, 2006. Line numbers referenced in the Office Action, except as noted, will count every printed line, except the page header, but including section headings. If there is any confusion or questions regarding any aspect of this Request for Reconsideration, the Examiner is invited to contact the undersigned.

### *Amendment*

No amendments are made in this Request for Reconsideration.

### *Allowable Subject Matter*

Applicant notes with appreciation the indication that claims 5-7 and 17-19 contain allowable subject matter.

### *Claim Rejections – 35 U.S.C. § 112, second paragraph*

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, because “[i]t is unclear if the target is notifying other initiators, or if the multicast includes information that notifies other initiators” (Office Action, page 2, lines 16-18). Applicant respectfully traverses.

The Office Action suggests inserting a comma after “regarding the previously registered target” so that the phrase, “the information regarding the previously registered target notifying other initiators to maintain the previously registered target on the list of targets” becomes “the information regarding the previously registered target, notifying other initiators to maintain the previously registered target on the list of targets.” However, this change would confuse the claim. It should be understood that the phrase, “the information regarding the previously registered target” is a single claim element, and relates to a piece of information. Furthermore, the phrase “notifying other initiators . . .” is what the information regarding the previously registered target does. The phrase could be read like this: “the information . . . notifying other initiators to maintain the previously registered target on the list of targets.” A comma does not belong after “information.”

As described in the specification and related in the previous response submitted November 18, 2005, each initiator periodically sends a unicast message to the master initiator to reregister, thereby notifying the master initiator of its continued presence on the network. The master initiator includes in its periodic multicasts, information regarding the initiators that have reregistered since the previous multicast. This is made clear in claim 1, which states, "sending out a next multicast, wherein the next multicast includes information regarding the previously registered target . . . , the information regarding the previously registered target notifying other initiators to maintain the previously registered target on the list of targets." Applicant respectfully submits that claim 1 could not be more clear in stating that the information regarding the previously registered target is sent out in the next multicast, and that the information notifies other initiators to maintain the previously registered target on the list of targets.

***Claim Rejections – Prior Art***

Claims 1, 8-13, 16, and 20-27 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 6,049,878 to Caronni et al. ("Caronni") in view of U.S. Patent 6,507,586 to Satran et al. ("Satran"). Applicant respectfully traverses because the prior art does not teach or suggest each and every limitation set forth in the claims.

Claim 1 sets forth, inter alia, "removing the previously registered target on a list of active targets connected to the network when the previously registered target has not re-registered within a selected re-registration interval" (lines 6-8). The Office Action admits that this feature is not shown by Caronni (page 5, line 23 to page 6, line 3) but suggests that, "[i]t would have been obvious . . . that the reason for sending out the heartbeat messages to the group is to remove non-active members. If the participant does no[t] respond to the heartbeat message, the participant is not active and would therefore be removed from the group" (Office Action, page 4, lines 9-13). Applicant respectfully disagrees.

The Office Action apparently argues that the feature of removing targets that fail to re-register is *inherent* to Caronni. Applicant recognizes that express, implicit, and *inherent* disclosures of a prior art reference may be relied upon in the rejection of claims under 35 U.S.C. §§ 102 and 103. However, the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. See MPEP 2112 IV. "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is *necessarily present* in the thing described in

the reference, and that it would be so recognized by persons of ordinary skill” (*In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981) (emphasis added).

In the present case, the Office Action suggests that, although not explicitly stated in Caronni, the feature of removing targets that fail to re-register is *necessarily present* in Caronni. However, Caronni states with regard to the unicast connection made upon joining that, “[t]his unicast connection only exists once for each group and participant and can be dissolved after the participant 101 receives its set up information” (col. 4, lines 58-60). Furthermore, there is no suggestion in Caronni that the admission control component or other component or group key management component maintains an updated list of connected participants. This tends to teach away from the implicit or inherent disclosure suggested by the Office Action. Rather, from a review of Caronni, it appears that it is up to each individual participant to maintain its connection, reconnect if disconnected, etc. This is typical of many multicast scenarios, which tend to be modeled on television broadcasters and cable operators, which do not generally keep an updated list of who is watching at any given time. Caronni contains no suggestion of any need to maintain such an updated list.

The Office Action suggests that the maintaining of such a list is “the reason for sending out the heartbeat messages” (Office Action, page 4, lines 10-11). However, Caronni states that the heartbeat messages are sent out for “periodically announcing public key parameters and an access control contact address” (claim 11, paragraph 6) for the purpose of enabling *new participants* to join the group (col. 7, lines 7-15).

Thus, Applicant respectfully disagrees that Caronni *necessarily* inherently teaches the feature of “removing the previously registered target on a list of active targets connected to the network when the previously registered target has not re-registered within a selected re-registration interval” as set forth in claim 1.

In addition to the inherency argument, the Office Action points to Satran. Satran discloses a push network protocol for use over a one-way broadband channel. The Office Action appears to suggest that the “group directory” mentioned by Satran is analogous to the list of active targets set forth in claim 1 (Office Action, page 4, lines 14-17). Applicant respectfully disagrees. Satran’s “group directory” is not a directory of group members, but a list of groups that can be joined by a particular multicast receiver. See col. 4, lines 16-41. Since the protocol of Satran is specifically for use with one-way communication, there is no centralized list of active members. As pointed out in the Office Action (page 4, lines 18-20),

the Background section of Satran mentions prior art protocol for multicasting, which includes routers that maintain internal group membership tables. As mentioned by Satran, "A host that wants to receive a group joins the group by adding its address to the list of IP local addresses, and stops reception by leaving the group, i.e., *removing its address from the list*. Hosts join and leave groups by sending Internet Group Management Protocol (IGMP) messages to the all-hosts group" (col. 1, lines 47-52). Thus, Satran does not mention anything analogous to "removing the previously registered target on a list of active targets connected to the network when the previously registered target has not re-registered within a selected re-registration interval."

Since neither Caronni nor Satran teach or suggest "removing the previously registered target on a list of active targets connected to the network when the previously registered target has not re-registered within a selected re-registration interval" as set forth in claim 1, Applicant respectfully submits that claim 1 is allowable over both Caronni and Satran. Furthermore, none of the prior art of record teaches or suggests the claimed features mentioned above. Therefore, Applicant respectfully submits that claim 1 should be allowed. Furthermore, since claims 2-10 depend from claim 1, Applicant respectfully submits that these claims are allowable for at least the same reasons as claim 1.

Claim 11 sets forth the limitations of "receiving a unicast from a new target recently connected to the network; adding the new target to a list of targets connected to the network; and sending out a next multicast to other initiators, the next multicast including information regarding the new target" (lines 4-7). For the same reasons mentioned above with respect to claim 1, Applicant respectfully submits that these limitations are not taught or suggested by the prior art of record. Specifically, the prior art does not teach maintaining a list of targets connected to the network, nor including information regarding newly-added targets in a multicast to other initiators. Since claim 11 is therefore allowable, Applicants respectfully submit that claims 12-20, which depend from claim 11, is also allowable.

Furthermore, the deficiencies of Caronni and Satran that prevent them from meeting the limitations of claim 1 also prevent them from meeting the limitations of claim 21. Specifically, claim 21 includes a list of targets (line 7) and a multicast that includes information regarding the maintaining and adding of targets to the network (lines 10-11). Since none of the references cited teach these features, Applicant respectfully submits that

claim 21 should be allowed. Since claim 22 depends from claim 21, Applicant submits that claim 22 should be allowed for at least the same reasons as claim 21.

In addition, claim 23 includes the limitation of "at least one slave initiator, the at least one slave initiator configured to receive target information from the multicasts. For the reasons mentioned above with respect to claim 1, Applicant respectfully submits that none of the references teach or suggest receiving target information from multicasts. Therefore, claim 23 should be allowed over the prior art of record. Since claims 24-27 depend from claim 23, these claims should be allowed for at least the same reasons as depended-upon claim 23.

For the reasons identified above, Applicant respectfully submits that the instant Application is now in condition for allowance. A Notice of Allowance is therefore respectfully requested.

If the Examiner has any questions concerning the present Request for Reconsideration, the Examiner is kindly requested to contact the undersigned at (408) 774-6933. If any other fees are due in connection with filing this Request for Reconsideration, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. ADAPP085A2). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, LLP



Leonard Heyman  
Reg. No. 40, 418

710 Lakeway Drive, Suite 200  
Sunnyvale, CA 94085  
Telephone: (408) 749-6900 Ext. 6933  
Facsimile: (408) 749-6901  
**Customer Number 25920**